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| 09/878,630 | 06/11/2001 | Robert E. Tolbert II | 36968/254468 (BS00412) | 3276 |
| 36192 | 7590 | 01/04/2005 | EXAMINER | |
| CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002 | | | BARNIE, REXFORD N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2643 | |

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,630

Applicant(s)

TOLBERT, ROBERT E.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US pat# 6,377,944).

Regarding claim 1, Sennett teaches a customer on line user guide provided by a computer program and medium including receiving user input which includes manufacturer data, model information and a problem, which may be in the form of instructional request or service information in (see cols. 3-4).

Sennett fails to teach how the information request would be processed in detail or Sennett fails to teach a two-step information-processing algorithm including a general problem or information request and then specific symptoms associated with the problem as claimed.

Busey teaches a web response unit including a help system wherein a user can query or ask for help or solutions to certain problems which incorporates a two step algorithm by first receiving a request about a general problem and then specific symptoms of the problem in (see col. 13 lines 41-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Busey into that of Sennett

thus making it possible to provide an effective interactive systems capable of providing a detailed solution or answer to a plurality of possible user's problems/information request.

Regarding claims 6-7, see the explanation as set forth regarding claim 1. In addition to the fact that Senett teaches storing and being able to interact with a plurality of radio telephones based on MIN and ESN of the telephones.

Regarding claim 9, see the explanation as set forth regarding claim 1.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US pat# 6,377,944) and further in view of Debber et al. (US 2002/0062367A1) or Judkins et al. (US Pat# 6,763,104).

Regarding claims 2-3, The combination fails to teach the feature "client environment" eventhough it's well known to associate client environment with data or computer networks such as the internet.

For the sake of argument, Debber teaches a help system in (see figs., page 5 [0068]) and [0102]) wherein an instructional help can be provided to users in a client/server environment.

Judkins teaches a call center and ACD scripting system wherein technical support can be provided in a client/server environment in (see figs., col. 11 lines 62-col. 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary

Art Unit: 2643

references into that of the combination thus making it possible to support and provide services to users in any well known communication service environment.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US pat# 6,377,944) and further in view of Beck et al. (US Pat# 6,332,154) or Evans et al. (US Pat# 6,650,889).

Regarding claims 4-5, The combination fails to teach the claimed subject matter but Beck et al. teaches a help support system wherein help information can be relayed to a user in the form of a video in (see col. 60 lines 39-46,col. 61 lines 62-col. 62 line 6).

Evans teaches a mobile terminal capable of receiving information in a video format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Beck or Evans into that of the combination thus making it possible to program or follow instructions data without having to read too much and also, avoid the tendency of being confused after reading too much information.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US pat# 6,377,944) and further in view of Dusse et al. (US Pat# 6,647,260).

Regarding claim 8, Sennett fails to teach the claimed subject matter but Dusse teaches a method of provisioning services for a mobile telephone where a user can

Art Unit: 2643

request a change of features based on an interactive selection algorithm in (see figs. and col.7 lines 63-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dusse into that of the combination thus making it possible to upgrade one's telephone with desired features for future usage

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffmann (US Pat# 6,622,017) in view of Sennett (US Pat# 6,400,940) and further in view of Busey et al. (US pat# 6,377,944).

Regarding claim 10, Hoffman teaches a wireless terminal device for displaying a menu of radio manufacturers, selecting topics, which could include package information/service/features and so forth and which can vary in (see col. 6, cols. 9-11).

However, Hoffman fails to teach specific topics or feature selection can include help request for further guidance or instructions on how to use a service or feature.

Sennett teaches a customer on line user guide provided by a computer program and medium including receiving user input which includes manufacturer data, model information and a problem which may be in the form of instructional request or service activation guidance information in (see cols. 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sennett thus making it

Art Unit: 2643

possible to receive guidance information or problem solving instructions for users with problems or request about services or features.

The combination including Sennett fails to teach how the information request would be processed in detail or Sennett fails to teach a two-step information-processing algorithm including a general problem or information request and then specific symptoms as claimed.

Busey teaches a web response unit including a help system wherein a user can query or ask for help or solutions to certain problems which incorporates a two step algorithm by first receiving a request about a general problem and then specific system of the problem in (see col. 13 lines 41-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Busey into that of the combination thus making it possible to provide an effective interactive systems capable of providing a detailed solution or answer to a plurality of possible user's problems/information request which reduces human resources cost.

Regarding claim 13, The combination including Hoffman teaches the claimed subject matter. Furthermore, it's known to display a list of radio types being offered by a telephone service provider when it's website is contacted for sale purposes.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffmann (US Pat# 6,622,017) in view of Sennett (US Pat# 6,400,940) and further in

Art Unit: 2643

view of Busey et al. (US pat# 6,377,944) and further in view of and further in view of Beck et al. (US Pat# 6,332,154) or Evans et al. (US Pat# 6,650,889).

Regarding claim 11, The combination fails to teach the claimed subject matter but Beck et al. teaches a help support system wherein help information can be relayed to a user in the form of a video in (see col. 60 lines 39-46,col. 61 lines 62-col. 62 line 6).

Evans teaches a mobile terminal capable of receiving information in a video format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Beck or Evans into that of the combination thus making it possible to program or follow instructions data without having to read too much and also, avoid the tendency of being confused after reading too much information.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Pat# 6,622,017) in view of Sennett (US Pat# 6,400,940)

Regarding claim 14, Hoffman teaches a method for assisting a user to program a radiotelephone with the claimed limitations in (see col. 10, col. 11 lines 28-35 and so forth). Hoffman teaches the amended claimed limitations one of (radio telephone features) (see col. 10 lines 21-32).

For the sake of argument, Sennett teaches a customized on line user guide comprising of receiving programming instructions and be able to request information about telephone features in (see col. 4, figs. and so on).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sennett into that of Hoffman thus making it possible to program one telephone device for features based on received instructions and from the perspective of a service provider, reducing man power resources and cost.

Regarding claim 15, the combination teaches being able to receive various information but fails to teach the makeup of the storage means but the examiner takes official notice that it's well known in the art to store information (unique) in different memory areas or registers to avoid interference or overwriting stored information.

Regarding claim 16, The combination including Hoffman teaches different packages with different features associated with phones and phones can be associated with different service providers. It's known to advertise phones with different services/features on websites of telephone service providers.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Pat# 6,622,017) in view of Sennett (US Pat# 6,400,940) and further in view of Busey et al. (US pat# 6,377,944).

Regarding claim 17, The combination fails to teach a two-phase system one including a general symptom and also, a map to sub-symptoms.

Busey teaches a web response unit including a help system wherein a user can query or ask for help or solutions to certain problems which incorporates a two step

algorithm by first receiving a request about a general problem and then specific system of the problem in (see col. 13 lines 41-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Busey into that of Sennett thus making it possible to provide an effective interactive systems capable of providing a detailed solution or answer to a plurality of possible user's problems/information request.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/878,630

Page 10

Art Unit: 2643

PRIMARY EXAMINER
REXFORD BARNIE
12/29/04

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